IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION No. 5:22-CV-525-D

I'EGYPT EARTH-COLÓN,	.)	•
Plaintiff,)	
v.)	ORDER
SECRETARY OF STATE,	}	
Defendant.)	

On December 21, 2022, plaintiff filed a motion to proceed in forma pauperis [D.E. 1] and a proposed complaint [D.E. 1-1]. Pursuant to 28 U.S.C. § 636(b)(1), the court referred the matter to Magistrate Jones for a memorandum and recommendation on the plaintiff's motion to proceed in forma pauperis and for a frivolity review [D.E. 3]. On March 6, 2023, Magistrate Judge Jones issued a Memorandum and Recommendation ("M&R"), ordered plaintiff to file a financial disclosure statement by March 20, 2023, and recommended that the court dismiss the complaint for failure to prosecute if plaintiff failed to do so. See [D.E. 4]. Plaintiff has not filed a financial disclosure statement or responded to the M&R.

"The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge's report or specified proposed findings or recommendations to which objection is made." <u>Diamond v. Colonial Life & Accident Ins. Co.</u>, 416 F.3d 310, 315 (4th Cir. 2005) (cleaned up); <u>see</u> 28 U.S.C. § 636(b). Absent a timely objection, "a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." <u>Diamond</u>, 416 F.3d at 315 (quotation

omitted). If a party makes only general objections, de novo review is not required. See Wells v.

Shriners Hosp., 109 F.3d 198, 200 (4th Cir. 1997). In "order to preserve for appeal an issue in a

magistrate judge's report, a party must object to the finding or recommendation on that issue with

sufficient specificity so as reasonably to alert the district court of the true ground for the objection."

Martin v. Duffy, 858 F.3d 239, 245 (4th Cir. 2017) (quotation omitted); see United States v.

Midgette, 478 F.3d 616, 622 (4th Cir. 2007).

Plaintiff did not object to the M&R. Therefore, the court reviews for clear error. The court

has reviewed the M&R and the record. There is no clear error on the face of the record. See

Diamond, 416 F.3d at 315.

In sum, the court has reviewed the record and ADOPTS the conclusions in the M&R [D.E.

4], GRANTS plaintiff's motion to proceed in forma pauperis [D.E. 1], and DISMISSES WITHOUT

PREJUDICE plaintiff's complaint for failure to prosecute [D.E. 1-1]. The clerk shall close the case.

SO ORDERED. This <u>18</u> day of March, 2023.

A DRVEY

United States District Judge